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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,287	09/19/2003	Junichi Rekimoto	112857-434	8626
7590 Bell, Boyd & Lloyd, LLC P.O. Box 1135 Chicago, IL 60690-1135			EXAMINER HUYNH, BA	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 12/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary	Application No. 10/667,287	Applicant(s) REKIMOTO, JUNICHI	
	Examiner Ba Huynh	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/09/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6, 8, 13, 16, 18, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 7,032,001 (Herrod et al).

- As for claims 1, 6: Herrod et al (hereinafter Herrod) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment (7:7-10), comprising the steps/means for: capturing surrounding contexts (7:38-45) including location level context, position context, visual data, audio data, and object level

context (3:7-9, 26-30, 7:40), wherein the location level context and other level context are sensed by different types of sensing means (4:1-5); transmitting the captured data items for storing (7:40-46, 8:60-67), the data item are attached to the surrounding contexts in the particular environment (4:4-5), retrieving the stored data items based on the sensing means sensing at least one of the plurality of surrounding contexts in the particular environment (7:7-10).

- As for claim 2: Data item are registered as being related to said surrounding contexts (7:45-46).
- As for claim 4: The object level context is for identifying at least one particular object in the particular environment (8:51-55)
- As for claim 5: The capturing step is continuously performed so that surrounding contexts are always captured (8:20-24).
- As for claim 8: Captured image data is sent for storage (8:55-58).
- As for claims 13, 16: The audio data is voice data (6:22-25).
- As for claims 18, 19: the position level context is based on observed electric field intensity (8:20-24).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, 9-10, 12, 14, 15, 17, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod et al.

- As for claims 3, 14, 17: Herrod fails to clearly teach that the data item related to said surrounding contexts includes time information designated to future and past time. However, it appears that the time information as recited is non-function descriptive information. It would have been obvious to one of skill in the art, at the time the invention was made, to further add time information designating future and past time to Herrod. Motivation of the combining to is indicate a time schedule in the tracking of parcel delivery (10:17-36).
- As for claims 7, 9-10: Herrod et al (hereinafter Herrod) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment (7:7-10), comprising the steps/means for: capturing surrounding contexts (7:38-45) including location level context, position context, visual data, audio data, and object level context (3:7-9, 26-30, 7:40), wherein the location level context and other level context are sensed by different types of sensing means (4:1-5); transmitting the captured data items for storing (7:40-46, 8:60-67), the data item are attached to the surrounding contexts in the particular environment (4:4-5), retrieving the stored data items based on the sensing means sensing at least one of the plurality of surrounding contexts in the particular environment (7:7-10). Inputting keyword and text for storing and retrieving is inherently included in Herrod's teaching of storing and retrieving. Retrieving information based on location and time is well known in the art. It would have been obvious to one of skill in the art, at the

time the invention was made, to implement the location and time attribute as storing and retrieving keys. Motivation of the combining is for the flexibility of data retrieval.

- As for claims 12, 15: Herrod fails to clearly teach that the position level context identifies a room in the particular environment. However, it appears that the position level context identifies a room in the particular environment is non-function descriptive information. It would have been obvious to one of skill in the art, at the time the invention was made, to further add the position level context identifies a room in the particular environment to Herrod. Motivation of the combining is to indicate a room in the sheet metal manufacturing environment.
- As for claims 20, 21: The location data is calculated based on observed electric field intensity (8:20-24).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
12/18/07



BA HUYNH
PRIMARY EXAMINER